



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION

Brent H. Everett
Director

June 21, 2018

Anthon Stauffer
RG IV, LLC
2265 East Murray Holladay Road
Holladay, Utah 84117

Re: Enforceable Written Assurance for Undeveloped 900 Acres, Located East of Sheep Lane and North of SR-112 in Tooele, Utah and Further Described in the Enforceable Written Assurance Application.

Dear Mr. Stauffer:

Introduction

This letter is issued pursuant to Utah Code Ann. Section 19-6-326 and Utah Admin. Code Rule 311-600 concerning real property (Property) that RG IV, LLC (Applicant) intends to purchase. The Property, approximately 900-acres, is located east of Sheep Lane and north of SR-112 in Tooele, Utah, as described in the above reference line. The Applicant submitted an Enforceable Written Assurance Application and supplemental associated documents for the Property (Application) to the Utah Department of Environmental Quality (DEQ). The DEQ has reviewed the Application and has no additional comments or questions.

Applicant's Representations

1. The Applicant represents that it has satisfied the "all appropriate inquiry" requirements in 42 United States Code Section 9601(40) and Utah Code Ann. Section 19-6-302(2). The Applicant represents that the Application fully discloses the results of the Applicant's inquiry.
2. The Applicant represents that it is not:
 - a) Potentially liable or affiliated with another person that is potentially liable, for response costs at the property through:
 - (i) Any direct or indirect familial relationship; or
 - (ii) Any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed or by a contract for the sale of goods or services); or
 - b) The result of a reorganization of a business entity that was potentially liable.
3. The Applicant represents that it has not caused or contributed to any environmental contamination on the Property.

4. The Applicant represents that based on the data and information available, the Applicant is sufficiently informed to take Reasonable Steps to prevent or limit exposure to contaminants that may be present on the Property. Specifically, the Applicant represents that it will comply with the attached letter, dated June 15, 2018, provided by the DEQ's Division of Waste Management and Radiation Control (DWMRC).
5. The Applicant represents that it will comply with Rule 311-600 and will stop any continuing releases, will prevent any threatened future releases, will prevent or limit human, environmental or natural resource exposure to earlier releases, will cooperate and provide access to persons authorized to investigate and take response actions on the Property, and will implement institutional controls.
6. The Applicant acknowledges that it is solely responsible for the representations above and in the Application and that the DEQ has not conducted an independent analysis or verification of the Applicant's representations.

Enforceable Written Assurance

This letter constitutes an Enforceable Written Assurance that no enforcement action regarding the Property will be initiated by the DEQ against the Applicant under the Utah Hazardous Substances Mitigation Act, Section 19-6-301 *et seq.* and that the Applicant is protected from contribution and cost recovery claims as described in Section 19-6-326. This Enforceable Written Assurance is contingent upon:

1. The Applicant's compliance with the representations above and in the Application and the attached letter, dated June 15, 2018, provided by the DEQ's DWMRC;
2. The Applicant's compliance with the ongoing requirements imposed in Rule 311-600 and in Section 19-6-302 on a bona fide prospective purchaser;
3. The Applicant's full disclosure and accuracy in making the representations above and in the Application; and,
4. The Applicant's payment of outstanding DEQ costs in excess of the application fee.

The Applicant will be billed for any outstanding costs under separate cover. Should there be any questions regarding this letter, please contact Harold Sandbeck at (801) 536-4100.

Sincerely,



Alan Matheson
Executive Director

Enclosure: Request for Comfort Letter

cc: Bryan Slade, Environmental Health Director, Tooele County Health Department (Electronic Copy)
Sandra Allen, Utah Attorney General's Office (Electronic Copy)
Helge Gabert, Division of Waste Management and Radiation Control (Electronic Copy)